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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,295	08/24/2001	Torsten Heinemann	011218	2544
22876	7590	10/02/2003	EXAMINER	
FACTOR & PARTNERS, LLC 1327 W. WASHINGTON BLVD. SUITE 5G/H CHICAGO, IL 60607			MCDERMOTT, KEVIN	
			ART UNIT	PAPER NUMBER
			3635	

DATE MAILED: 10/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/939,295

Applicant(s)

HEINEMANN, TORSTEN

Examiner

Kevin McDermott

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 14.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, paragraph d, uses the term "connecting device" to identify two different elements identified by reference numbers 68 and 70 in the figures. The same claim term cannot be used to identify two different elements in the claims. Examiner doesn't understand which "connecting device" the applicant is referring to. Additionally, Applicant compounds the problem in paragraph e, by describing the "connecting devices (68, 70)". Examiner does not understand what the applicant is describing. Examiner suggests calling each part of the "connecting device" a different name. For example, the "connecting device 68" could be called the "first connecting device" and the "connecting device 70" could be called the "second connecting device". Whatever changes Applicant makes to claim 1 should be reflected in all dependant claims.

Examiner strongly suggests that Applicant contact Examiner for an interview to discuss understandable claim language.

***Allowable Subject Matter***

It appears that claims 1-3, and 5-10 are drawn to allowable subject matter. However, a determination will be made upon correction of all 35 U.S.C. sec. 112 matters.

As long as the following subject matter is properly claimed, the following is a statement of reasons for the indication of allowable subject matter:

The prior art does not disclose, and it does not appear obvious to modify the prior art to disclose, a covering arrangement including covering parts, wherein:

the covering parts comprise an elongate core with upper and lower planar covering elements in the manner of a sandwich installed transversely to and between supports;

a longitudinal border region of a first covering part has a first connecting device and a longitudinal border region of a second covering part has a second connecting device complementary to the first connecting device, by means of which the first and second covering parts are firmly connected to each other;

the first connecting device further comprises a plurality of adjacent circular connecting position recesses and the second connecting device comprises only a single one catch projection, the catch projection being complementary to each of the connecting position recesses;

such that the relative position of the first covering part with respect to the second covering part can be varied by moving the second connecting device from one connecting position recess to an other connection position recess.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Kevin McDermott, whose telephone number is 703-308-8266.



**BRIAN E. GLESSNER**  
**PATENT EXAMINER**

KM 10/1/03